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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PAUL V. KELLER, LLC 4585 LIBERTY RD. SOUTH EUCLID, OH 44121			EXAMINER NGUYEN, THUY-VI THI	
			ART UNIT 3609	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,908

Applicant(s)

HARRIS, JENNIFER HOPE

Examiner

Thuy-Vi Nguyen

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/03</u> | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-8, 17-20, 24-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-8, 24-26 recited "A service-providing a funeral service, providing attendees of the service, providing anniversary reminder, obtaining a list of funeral, fulfilling requests to send flowers", which are not useful, concrete and tangible result. They are merely abstract idea and show no "real world" result.

Claims 17 and 18 recited "A display" which could have seen as printed ad on paper or printed matter. Printed matter is rejected as not being within the statutory classes even though it is seemingly a "manufacture" (MPEP 706.03(a)).

Claims 19 recited "A computer-readable medium having stored thereon a data structure useful in generating funeral anniversary reminders, comprising a list of persons to receive funeral anniversary reminders; and funeral event data", and claim 20 recited "A computer-readable medium of claim 19, wherein the data structure further comprises a field for indicating whether a person has elected to receive a funeral anniversary reminder", which are not capable of producing a useful, concrete and tangible result when used in a computer system. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not

statutory because they are not capable of causing functional change in the computer.

See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (MPEP 2106.01).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Russell (US Patent Application Publication No. US2002/0178079 A1).

Regarding to claim 1, Russell discloses a service, comprising: providing a funeral or memorial service (..Visitation, Funeral and/or Memorial Service; see page 14, par.0190-0192),

and providing attendees of the service with the opportunity to elect to receive a funeral anniversary reminder (.. a user may also elect to create a specialized type of tribute and area for the mourned individual; or other customized offerings include anniversary reminders; see page 18, par. 0224-0225 and par. 0229-0230).

Regarding to claim 2, Russell discloses the service of claim 1, further comprising providing the anniversary reminder (e.g. tribute renew reminder based on anniversary date; MyEtribute send the free email notification about the decease's Tribute about six month after the death; see page18, par. 0224-0225 and page 12, par. 0154-0155).

Regarding to claims 3 and 10, Russell discloses wherein the reminder is a reminder to contact the bereaved (..contacts may be selected by user, and in particular the coordinating mourner; see page 18, par. 0227-0228).

Regarding to claims 4 and 11, Russell discloses wherein the reminder includes suggestions for what to write in a note to the bereaved (..sympathy cards may be religious or non-religious in nature, and may versions of cards may exist for any particular category or religion; see page 17, par. 0218-0219).

Regarding to claims 5 and 12, Russell discloses wherein the reminder includes guidelines for whether to contact the bereaved in regard to the anniversary (..information and ideas will help readers become and feel more educated about topics related to the death of a loved one; see page 15, par. 0215-0216).

Regarding to claims 6 and 14, Russell discloses wherein the reminder includes either the date of the funeral or exact date of the anniversary (..a user may be reminded of upcoming events; see page 4, par. 0043-0044).

Regarding to claim 8, Russell provides a virtual funeral service wherein the attendees/users/guests registered to receive funeral information, arrangement, and reminder anniversary (see par. 0036-0037, 0218-0219, 0222-0225).

Regarding to claim 9, Russell discloses a method of advertising a funeral business (.. death notices placed in newspapers by the site require more advertising space, and in turn generate more newspaper ad revenue; see page 10, par. 0111-0112),

Art Unit: 3609

comprising: obtaining a list of funeral or memorial service attendees (e.g. list of people sending tributes; 100 people attended the wake and /or funeral; see page 9 and 10, par. 0110-0111 and page 12, par. 0150-0153),

and shortly before a funeral anniversary date, providing attendees of the service with a reminder that the funeral anniversary date is approaching (..a user may be reminded of upcoming events; and users may elect to have courtesy reminders sent to them alerting them to upcoming expirations; see page 4, par. 0043-0044 and page 17, par. 0222-0223),

where in the reminder includes the name of a funeral business (..MyEtribute.com; see page 10, par. 0111-0112).

Regarding claim 13, Russell discloses wherein the list of funeral attendees is a list of funeral attendees who elect to receive the reminder (ex: list of people sending tributes; see page 9-10, par. 0110-0111).

Regarding to claim 15, Russell discloses wherein the reminder includes a brochure that explains potential benefits of contacting a bereaved regarding the funeral anniversary (..programs may include in a small white card, for example, the obituary, memorial information; see page 17, par. 0221-0222).

Regarding to claim 16, Russell discloses wherein the brochure has a design that lends itself to being handed out or picked up at a funeral or memorial service (..paper sympathy, announcement, acknowledgement or tribute cards or programs; see page 17, par. 0221-0222).

Regarding to claim 17, Russell discloses a display comprising: a funeral register /computer screen (.. full tributes may be made by any user and can be done either in paper or electronic form or both; see page 17, par. 0222-0223),

and instructions for how a person filling out the register can elect to receive a funeral anniversary reminder (..a user may elect to receive advance reminders of the birth or other significant date; see page 4, par. 0044-0045).

Regarding to claim 18, Russell discloses wherein the election can be made on the register (..users may elect to have courtesy reminders sent to them alerting them to upcoming expirations; see page 17, par. 0222-0223).

Regarding to claim 19, Russell discloses a computer-readable medium having stored thereon a data structure useful in generating funeral anniversary reminders (..a computer network such as internet/ a website where users may also elect to create a specialized type of tribute or tributes; see page 3 and 4, par. 0036-0037 page 18, par. 0224-0225),

and comprising a list of persons to receive funeral anniversary reminders (..e.g. list of people sending tributes; MyEtribute send the free email notification about the decease's Tribute about six month after the death; see page 9-10, par. 0110-0111 and page 12, par. 0154-0155),

and funeral event data (..services such as death notices, obituaries, information, wishes, donations, distributions, guest books; see page 18, par. 0231-0232).

Regarding to claim 20, Russell discloses wherein the data structure further comprises a field for indicating whether a person has elected to receive a funeral

anniversary reminder (..a user may also elect to create a specialized type of tribute; see page 18; par. 0224-0225 and attend to the guest book at the funeral; see page 15, par. 0207-0208).

Regarding to claim 21, Russell discloses a computer-readable medium having software instruction, comprising: software instructions for maintaining a list of person to receive a funeral anniversary reminder (..a computer network such as internet/ a website where information and ideas will help readers become and feel more educated about topics related to the death of a loved one; see page 3 and 4, par. 0036-0037 and page 15, par. 0215-0216),

and software instructions for generating funeral anniversary reminders for delivery to person on the list (..MyEtribute/website send the free email notification about the decease's Tribute six month after the death; see page 12, par. 0154-0155).

Regarding to claim 22, Russell discloses further comprising software instructions for informing a user as to when the reminders are to be sent (..users may be reminded of upcoming events; user may elect to receive advance reminders; see page 4 and 5, par. 0043-0045).

Regarding to claim 23, Russell discloses wherein the funeral anniversary reminders for delivery are generated upon request by user (..a guestbook can also be available to visitors to the site; see page 18, par. 0226-0227).

Regarding to claim 24, Russell discloses a service, comprising: fulfilling requests to send flowers or plants (..mourners can send sympathy cards and flowers; see page 9, par. 0110-0111),

and providing persons requesting that flowers or plants be sent in connection with a funeral event the opportunity to elect to receive a funeral anniversary reminder (..flower delivery may also be selected; see page 18, par. 0228, 0229).

Regarding to claim 25, Russell discloses the service of claim 24, further comprising providing the anniversary reminder (e.g. tribute renew reminder based on anniversary date; MyEtribute send the free email notification about the decease's Tribute six month after the death; see page18, par. 0224-0225 and page 12, par. 0154-0155).

Regarding to claim 26, Russell discloses wherein the reminder includes a suggestion to send flowers or plants (..mourners who want to send flowers to the funeral home; see page 14, par. 0187-0188 and flowers are appropriate; see page 14, par. 0189-0190).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US Patent Application Publication 2002/0178079).

Regarding to claim 7, Russell discloses all elements per claimed invention as explained in paragraph 3 above. However, it is silent as to the specifics of registering the users/guests at the funeral service.

Russell teaches that the registration is done via a website.

Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have registered the user/guests at the funeral service as a matter of personal choice or personal convenience; for example, via a portable computer.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. The US patents Application Publication to Krim discloses an interface that is designed to receive a signal indicating the death of members of the service, and to Tso discloses a system and method for producing electronic invitations and for storing event information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on 571-272-1280. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Terrence Till

Supervisory Patent Examiner